

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America)

v.)

Apolinar Rodriguez-BALDERAS)

Case No. 2:14-MJ-436Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 2/25/2012 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:21 U.S.C. §
846EA

Code Section

Offense Description

Conspiracy to possess with the intent to
distribute over 5 kilograms of cocaine,
a Schedule II controlled substance, in
violation of 21 United States Code 846.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Scott Waugaman, SA/DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: 9/3/2014City and state: Columbus, Ohio

Judge's signature

Judge Elizabeth Preston Deavers

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Scott R. Waugaman, having been duly sworn depose and state:

1. I am a Special Agent of the Drug Enforcement Administration (DEA), assigned to the Detroit Field Division, Columbus District Office. As such, I am an “investigative or law enforcement officer” of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18 United States Code, Section 2516(1). I have been a Special Agent of the DEA since 1997, during which time I have participated in numerous investigations involving narcotics trafficking. I have received specialized training in the subject of narcotics trafficking and money laundering from the DEA and have been personally involved in investigations concerning the possession, manufacture, transportation, distribution and importation of controlled substances, as well as methods used to finance drug transactions. The information set forth in this affidavit comes from my personal involvement in this investigation, as well as information provided to me by other law enforcement officers.

2. This affidavit is being submitted for the limited purpose of seeking authorization for Federal arrest warrants, I have not set forth each and every fact learned during the course of this investigation. I have set forth only those facts that I believe are necessary to establish the foundation for the issuance of an arrest warrant for the requested individual(s): **Juan Martinez BALDERAS** and **Apolinar Rodriguez BALDERAS** (a/k/a Eufemio Feliciano Pons).

BASIS FOR FACTS CONTAINED IN THIS AFFIDAVIT

3. On November 23, 2011, the Columbus Police Department (CPD) received an anonymous tip that a Hispanic male was conducting drug activities from a residence located at 2650 Steiner House, Columbus, Ohio.
4. On February 22, 2012, the CPD received another anonymous tip that two Hispanic males who go by the names of Juan Martinez and Juan Perez transport large amounts of cocaine from Texas to Columbus. The caller advised that they hide the drugs in the doors of vehicles and store the cocaine and drug money in the kitchen drawers of 2650 Steiner House. The caller further advised that Juan Martinez and Juan Perez use a blue Volkswagen Jetta and a grey Volkswagen Jetta bearing Michigan registration to transport the cocaine which is hidden in the doors. In addition, the caller said there were several weapons located inside 2650 Steiner House.
5. On February 22, 2012 and February 24, 2012, surveillances were conducted by law enforcement at 2650 Steiner House at which time a black Volkswagen Jetta, bearing Ohio registration FIE5046, was observed being driven by a Hispanic male utilizing the residence garage. Ohio registration FIE5046 was registered to Jose Pineiro at 1211 Westdale Drive, Galloway, Ohio.
6. On February 25, 2012, at approximately 1:00 p.m., Det. Huston observed the black Jetta bearing FIE5046 approach 2650 Steiner House and park. At that time, a Hispanic male utilized the front door of the residence to enter. At approximately 3:10 p.m., Det. Huston observed a different black Jetta, bearing Ohio registration FKY3383, back out of the garage of 2650 Steiner House. Said Jetta was registered to Eufemio Feliciano Pons at 3452 Derrer Field Drive, Columbus, Ohio and was being driven by a

Hispanic female.

7. At approximately 3:30 p.m., the Jetta was followed by law enforcement to 3452 Derrer Field Drive. Detective Sanford advised that while the female was driving, she would drive under the speed limit for extended periods of time on I-71 and I-670 and appeared to be looking to see if anyone was following her. Upon the Jetta arriving at and parking in front of 3452 Derrer Field Drive, Det. Sanford observed the female exit the Jetta and retrieve a black soft-sided, carry-on size suitcase from the backseat of the Jetta. In addition, he observed her obtain a dark colored shoulder bag and a purse from the Jetta. Detective Sanford observed her carry the suitcase up stairs, which appeared to be heavy, and use a key to open the front door of 3452 Derrer Field Drive.

8. Surveillance was maintained at 2650 Steiner House and at approximately 6:15 p.m., Officer Caudill observed a blue Oldsmobile Alero park in front of the residence at which time two Hispanic males entered the front door of 2650 Steiner House. At that same time, a second vehicle, identified as a Nissan Maxima pulled into the garage of 2650 Steiner House and the garage door was shut upon entry.

9. At approximately 6:30 p.m., the driver of the above referenced Oldsmobile Alero exited the residence, placed an unidentified object into the trunk of the Alero then returned to the residence. After about three minutes, the driver and passenger of the Alero exited 2650 Steiner House and left the area in the Alero. Almost immediately, the Nissan Maxima backed out of the garage of 2650 Steiner House and left the area.

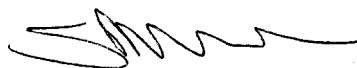
10. At approximately 7:50 p.m., Det. Huston observed two Hispanic males exit the front door of 2650 Steiner House and enter the black Jetta bearing the Ohio registration FIE5046. Detective Huston saw that the passenger of the Jetta was carrying a large red

shopping bag. Upon the Jetta leaving the area, the two occupants were looking back as if to see who was following them. At that time, an investigative decision was made to conduct a traffic stop on the Jetta. Upon stopping the Jetta, Juan Martinez-BALDERAS was identified as the driver and Apolinar Rodriguez-BALDERAS as the passenger. Upon a pat down search for weapons, Det. Huston felt what he recognized as bullets in the front left jacket breast pocket of Rodriguez-BALDERAS. When asked where the gun was, Rodriguez-BALDERAS immediately responded that the gun was in the car. Also, a quantity of U.S. Currency (\$6,710) was located in a pocket inside of the jacket. Furthermore, a CPD K-9 officer responded to the scene and utilized drug K-9 "Bak" around the Jetta at which time "Bak" alerted positive.

11. During a search of the Jetta, Det.'s Huston and Sanford recovered a Springfield Armory Model 1911-A1 .45 caliber semi-automatic pistol from under the front passenger seat. The pistol was pointing toward the center console with the grip to the right and slightly protruding from beneath the passenger seat where it was easily within reach of both Martinez-BALDERAS and Rodriguez-BALDERAS. Thirteen live rounds of .45 caliber ammunition were recovered from the jacket pocket of Rodriguez-BALDERAS. Also, discovered during the search was a large red shopping bag located on the front passenger floorboard. Contained inside the bag was a cardboard box further containing a large sum of U.S. Currency (\$77,000) vacuum sealed in clear plastic. Detective Ellis advised that both individuals were taken to CPD Headquarters for identification purposes and subsequently incarcerated for state drug charges and for possession of a firearm. Both were deported before a state indictment package was submitted to the Franklin County Prosecutors Office.

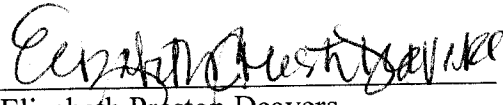
12. A state of Ohio search warrant was prepared for 2650 Steiner House and on February 26, 2012, at approximately 12:12 a.m. the search warrant was executed and no individuals were located inside. During a search of the premises, seized were six suspected cocaine kilogram wrappers. Three of the wrappers were later field tested which revealed a positive response for cocaine. Also, seized were plastic sealing bags, a digital scale and a money counter and small amount of suspected crack cocaine and marijuana. Detectives believed that Martinez-BALDERAS and Rodriguez-BALDERAS were in control of 2650 Steiner House.

13. Based on the above information, I believe there is probable cause to believe that Martinez-BALDERAS and Rodriguez-BALDERAS conspired to possess with intent to distribute five (5) kilograms of cocaine.



Scott R. Waugaman
Special Agent
Drug Enforcement Administration

Subscribed and Sworn to before me
this day of September 2014


Elizabeth Preston Deavers
U.S. Magistrate Judge